

# **Abstract**

The purpose of my thesis is to analyse the state of private enforcement of competition law in the European Union and the Czech Republic by taking into consideration the proposals set forth in the Green and White Paper on damages actions for breach of EC antitrust rules issued by the European Commission which were inspired by the U.S. system of private enforcement of antitrust law. Further on, the possible impact of the implementation of such proposals into Czech law will be assessed and experience of Member states will be considered. The dynamic development of this area of law and the never ending political and legal debate on the possibilities of private enforcement in Europe was the reason for why I have chosen to write my thesis on this topic.

The thesis is composed of eight chapters, each of them dealing with different aspects of private enforcement of competition law. Chapter One is introductory and is divided into three parts. Part one tackles the difference between public and private enforcement. Part two deals with the evolution of the concept of damages claims and introduces the most relevant decisions of the Court of Justice of the European Union. The third part identifies the problems occurring with damages claims.

Chapter Two examines the question of applicable law.

Chapter Three provides an outline of the question of damage and covers the substantive basis of the claim. It is subdivided into seven parts. Chapter Four concentrates on the question of collective redress. Chapter Five demonstrates problems of access to information. Chapter Six covers, related to the previous chapter, illustrates the relationship between damages actions and leniency programs. Chapter Seven elaborates on the binding effect of Competition Authority decisions and finally chapter Eight deals with limitation periods.

In my conclusion I suggest that courts should better apply existing regulation and public shall be better informed on possibilities offered by private enforcement. In addition, to make private enforcement more attractive, certain mechanisms known from the U.S. system of private enforcement should be implemented, but with alternations respecting European legal culture.